

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,
INDIANA, WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD
FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON
THURSDAY, JUNE 2, 2008 AT 7:30 P.M.**

The meeting of the **New Albany City Council** was called to order by President Jeff Gahan at 7:31 p.m. The meeting opened with the Lords Prayer and the Pledge of Allegiance.

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Price, Mr. McLaughlin, Mrs. Benedetti, Mr. Messer, Mr. Zurschmiede and President Jeff Gahan. Mr. Caesar and Mr. Gonder were absent.

OTHERS: Council Attorney Jerry Ulrich and City Clerk Marcey Wisman.

ALSO: Deputy Mayor Carl Malysz, Asst. Director of City Operations Matt Denison, John Rosenbarger and Scott Wood.

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Coffey moved to approve the minutes from May 15th, Mr. Price second, all voted in favor

Mr. Messer moved to approve the regular meeting minutes from May 15th, Mr. Price second, all voted in favor

Mr. Price moved to amend the agenda to move the CF-1's forward, Mr. Coffey second, all voted in favor.

COMMUNICATIONS – PUBLIC:

Paul Wheatley, Director of Outreach Marketing, One Southern Indiana, spoke in favor of the expansion of the TIF Districts, he stated that the council and the administration have been very supportive of economic development projects that they have planned and this will continue to keep business in the area. He explained that keeping the tools such as tax abatements in the economic development toolbox is a positive thing.

Bob Duesch, 1216 Lexington, stated that the neighbors are not opposed of development of this area, but this proposal is not in the best interest of their neighborhood or the City of New Albany. He presented a list of empty retail space in the Charlestown Rd. Corridor. He discussed the issues that he and his neighbors have with the traffic issues created by this project. He stated that at no time has Mr. McCartin talked with any of the neighbors regarding this plan. He stated that New Albany does not need more unplanned development in the city of New Albany.

Jeff Roudenbush, spoke regarding the novelty lighter ordinance. He suggested that this ordinance is a jump on the band wagon kind of legislation. He stated that he has done a lot of research on this and these ordinances came about because of a tragic fire that killed two small children when their brother was playing with one of these lighters. He stated that in the home the smoke detectors had been disconnected and the mother was in the home, so it isn't a case of some lighter that drew the child to catch something on fire, it was a case where the child was unsupervised and poor education on fire safety prevention.

Bill _____ stated that he is here on behalf of JTR Properties and if anyone has any questions he would be more than happy to answer them.

Jason Cooperwaite, Paul Primavera spoke on behalf of SDR Development and Icon Properties in support of Z-08-12. He stated that they are there to answer any questions that they might have

COMMUNICATIONS – CITY OFFICIALS:

Mr. Messer reported that the redistricting committee met on the 28th and stated that they will have an ordinance in the packet the next meeting in June.

Mr. Gahan reported that they had received a letter from Stan Brant regarding the safety of the drinking water in the building and he asked Ms. Wisman to read the letter into the record. Said letter is on file with the City Clerk's office.

COMMUNICATIONS – MAYOR

Mr. Malysz stated that he is here on behalf of the Mayor and he again wanted to thank them for the opportunity to explain to them the sewer/road situation at the work session. He stated that he wanted to reiterate that this administration wants to work with the council to try and sort through the issues to find a positive outcome. He stated that there are several tax incremental finance issues that are on the agenda tonight and the Mayor advocates that the council adopt all of them. He passed out information from Crow Chizek with regards to New Albany's tax rates compared to other second class cities in the state. He stated that the Mayor endorses the plan as amended by the Redevelopment Commission after the resolution was tabled to address several concerns that the council had.

APPOINTMENTS:

APPROVAL OF CF-1 FORMS:

Hitachi Cable Indiana, Inc., Compliance with Statement of Benefits, Referencing R-06-36(RP), R-06-36(PP), R-05-46, R-05-47 and R-07-26

Mr. Messer moved to approve, Mr. Zurschmiede second, all voted in favor.

Clark Foods, Inc. (American Beverage Marketers), Compliance with Statement of Benefits, Referencing R-98-19, R-00-09, R-02-01, R-99-02, R-00-09, R-01-29 R-03-20

Mr. Messer moved to approve, Mr. Zurschmiede second, all voted in favor.

Carl Booth & Co., LLC, Compliance with Statement of Benefits, Referencing R-99-03(RP), R-99-03(PP),

Mr. Price moved to approve, Mr. Messer second,

Mr. Coffey stated that it is his understanding that this is done with the understanding that this will provide jobs so his question is when he is moving and what they would do in this situation where the business is moving out and not holding up their end of the bargain.

Mr. Booth said that he was moving somewhere around the end of December.

The board decided to table this until the next meeting to gather more information.

Mr. Price withdrew this motion and Mr. Messer withdrew his second

Develco Properties aka Koetter Northgate Properties, LLC, Compliance with Statement of Benefits, Referencing R-99-12

Mr. Price moved to approve, Mr. Messer second, all voted in favor.

Richard & Kelly Fust, Compliance with Statement of Benefits, Referencing R-03-28

Mr. Messer moved to approve, Mrs. Benedetti second, all voted in favor.

General Mills Operations, Inc., Compliance with Statement
Of Benefits, Referencing R-97-23

Mr. Price moved to approve, Mr. Zurschmiede second, all voted in favor.

Glenn G. Hancock, Compliance with Statement
Of Benefits, Referencing R-98-33

Mr. Coffey moved to approve, Mr. Messer second, all voted in favor.

Gordon L. Huncilman and Jeffrey Huncilman dba
Huncilman Enterprises Compliance with Statement
Of Benefits, Referencing R-96-3B

Tabled until the June 9th meeting.

L& D Mail Masters, Inc., Compliance with Statement
Of Benefits, Referencing R-97-42, R-97-46, R-98-08,
R-01-13, R-02-18, R-05-06, R-06-12, R-06-39, R-07-05

Mr. Messer moved to approve, Mr. McLaughlin second, all voted in favor.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: READING

**Mr. Coffey moved to amend the agenda to move the zoning ordinances forward,
Mrs. Benedetti second, all voted in favor.**

**Mr. Price motioned to move R-08-32 to the front of the agenda, Mr. Coffey second,
all voted in favor.**

R-08-32	A Resolution Declaring An Emergency Requiring The Temporary Transfer of Funds for a Prescribed Period to A Depleted Fund for Cash Flow Purposes Only	McLaughlin
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**Mr. McLaughlin moved for the reading of R-08-32, Mr. Price second, all voted in
favor.**

Mrs. Garry explained that she has asked the auditor for their money but because the tax bills have not gone out there isn't a whole lot to distribute. She did receive some of the funds last week after she had submitted this resolution. She stated that she hopes that she doesn't need to use any of this money but she needs the resolution just in case she does need to use it to cover the claims this month.

A-08-07	Additional Appropriation Ordinance for the Local Roads and Streets Fund	Price/Caesar 1
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Mrs. Garry said this is the ordinance they had the public hearing on earlier.

**Mr. Price moved for the first reading of A-08-07, Mr. Messer second, all voted in
favor.**

Z-08-08	Ordinance Amending the Code of Ordinances of New Albany, Indiana, Title XV, Chapter 156 (Docket P-04-08: Gary McCartin)	Price 1
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Mr. Price moved for the first reading of Z-08-08, Mr. Coffey second, the motion did not pass with five nay votes from Mr. Price, Mr. Messer, Mr. McLaughlin, Mr. Gahan and Mr. Zurschmiede and two aye votes from Mr. Coffey and Mrs. Benedetti.

Mr. Coffey stated that he got calls on this so he went out to look at it and he is shocked in some ways because this project has been altered in many ways. He stated that many of his neighbors are getting offers to buy them out to build commercial and condos and there is no one raising a fuss about that and people need to understand that there are going to be some changes.

Mr. Zurschmiede asked Mr. Price what the vote was on this from the Plan Commission.

Mr. Price stated that it was a 6 to 3 unfavorable vote and many of their issues were the drainage and traffic issues.

Mr. Wood stated that Mr. Price represented the issues correctly and added that they were also concerned with the issue of the commercial use on the corner lot being such a heavy traffic business. He stated that he and the city engineer were satisfied with the drainage plan up to this point with the understanding that it would be looked at again in the future. He stated that this was tabled in March to give Mr. McCartin time to address some issues that the Plan Commission had and when it came back before them they felt that the issues had not been addressed so they gave it an unfavorable recommendation.

Mrs. Benedetti expressed her concern with the many issues that people had with the curb cuts for this project.

Mr. Wood reviewed Mr. McCartin's revised plan as well as the different curb cuts that would be needed for this project.

Mr. McCartin gave a lengthy explanation of the changes he has made to his development to accommodate the concerns of the neighbors regarding landscaping, zoning, drainage, traffic and more. He stated that he feels like he has addressed every issue that they have brought before him. He stated that there are many complaints about the office space abutting a property and the apartment complexes which he doesn't understand because there are already several offices in that area as well as four apartment complexes in the area but he amended them according to the objections. He presented the board with several photos to illustrate the points that he was making.

Mr. Messer asked why he thought he got an unfavorable recommendation.

Mr. McCartin stated that he was amazed. He stated that Mr. Wood in his staff letter recommended that this be approved. He stated that the City Engineer had issues with the drainage and he addressed her concerns so he is uncertain what her issues are with the development.

Mr. Messer asked if he knew how many people are against this development and why hasn't he sat down with them to discuss this situation.

Mr. McCartin stated that he felt that they would never agree with anything that he proposed because he is here with his tenth revision and it still isn't good enough. He asked if it was not adequate enough that he has changed his plan several different times according to the complaints of the neighbors.

Mr. Messer stated that he would like for him to talk with the neighbors to see if they can come to some resolution.

Mr. Coffey asked Mr. Wood if he could make the road cut onto Lafayette Drive a right turn-out only

Mr. Wood stated that he thinks it would satisfy the neighborhood.

Z-08-10 Ordinance Amending the Code of Ordinances of Price 1
New Albany, Indiana, Title XV, Chapter 156,
(Docket P-10-08: Silvercrest, LLC)

Mr. Price moved for the first reading of Z-08-10, Mr. Coffey second, all voted in favor.

Mr. McLaughlin asked Mr. Chalfant to explain this development.

Mr. Chalfant explained that this is going to be a combination of senior condos and the hospital will be assisted living/nursing home. He stated that the old administration building will become apartments and then they will do some cluster patio homes.

Mr. Coffey asked if the assisted living portion will be private or will it also be government funded as well.

Mr. Chalfant stated that they are not sure yet whether or not it will be funded by the government.

Z-08-11 Ordinance Amending the Code of Ordinances of Zurschmiede1
New Albany, Indiana, Title XV, Chapter 156,
(Docket P-08-08: JTR Properties, LLC)

Mr. Zurschmiede moved for the first reading of Z-08-11, Mr. Price second, all voted in favor.

Mr. Price stated that this received a favorable recommendation from the Plan Commission but there were concerns regarding the traffic but he thinks that all of that has been corrected.

Mr. Wood stated that they talked with Gordon Martin and he seemed satisfied with that plan.

Z-08-12 Ordinance Amending the code of Ordinances of Price 1
New Albany, Indiana, Title XV, Chapter 156,
(Docket P-03-08: SDR Development Inc., and
ICON Properties, LLC)

Mr. Price moved for the first reading of Z-08-12, Mr. Coffey second, all voted in favor.

Mr. Wood stated that the amendment here is to replace the commercial in the front with apartments with a slight reduction in the total number of units. He stated that all the conditions have been met including the property owner across the street that is not currently connected to the sanitary sewer.

Z-08-09 An Ordinance for the Vacation of an Existing Utility Messer 2&3
Easement Pursuant to a Petition Filed by Vincent Ira
Harshey

Mr. Caesar moved for the second and third reading of Z-08-09, Mr. Price second, all voted in favor. Bill Z-08-09 became ordinance Z-08-19.

A 5 minutes recess was called at 8:49 p.m.

Mr. Gahan called the meeting back to order at 8:55 p.m.

R-08-22 Resolution of the Common Council of the City Coffey
Of New Albany to Adopt and Authorize Submission
Of the CDBG FY2008 One-year Action Plan

Mr. Coffey moved for the reading of R-08-22, Mr. Zurschmiede second, all voted in favor.

Mr. Coffey stated that he has concerns regarding item #3 for the Code Enforcement Officer and they will come back to the council within 60 days with a job description and when the hire date will be and on Item #10 because the way it was advertised.

Mr. Price asked about the \$189,000 used for administration.

Mr. Malysz stated that he was looking at the wrong line and the correct amount is \$144,000.

There was a lengthy discussion regarding the cap on the administration fund.

R-08-23	Approving a Declaratory Resolution and Redevelopment Plan of the Redevelopment Commission of the City of New Albany, Indiana, and Approving the Order of the New Albany City Plan Commission	Benedetti
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Mrs. Benedetti stated that at the next meeting they will be hearing a presentation on the Green Way Project and she would like to table this until they hear all the information.

R-08-24	Approving a Declaratory Resolution and Redevelopment Plan of the Redevelopment Commission of the City of New Albany, Indiana, and Approving the Order of the New Albany City Plan Commission	Coffey
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Mr. Coffey moved for the reading of R-08-24, Mr. Messer second, all voted in favor.

R-08-25	Approving a Declaratory Resolution and Redevelopment Plan of the Redevelopment Commission of the City of New Albany, Indiana, and Approving the Order of the New Albany City Plan Commission	Benedetti
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Mrs. Benedetti moved for the reading of R-08-25, Mr. Coffey second, all voted in favor except Mr. Price who voted nay.

R-08-26	Approving a Declaratory Resolution and Redevelopment Plan of the Redevelopment Commission of the City of New Albany, Indiana, and Approving the Order of the New Albany City Plan Commission	Coffey
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Mr. Coffey moved for the reading of R-08-26, Mr. Benedetti second, all voted in favor except Mr. Price who voted nay.

R-08-27	Approving a Declaratory Resolution and Redevelopment Plan of the Redevelopment Commission of the City of New Albany, Indiana, and Approving the Order of the New Albany City Plan Commission	Benedetti
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Mrs. Benedetti moved for the reading of R-08-27, Mr. Messer second, all voted in favor except Mr. Price who voted nay.

R-08-28	Common Council of the City of New Albany, Indiana Regarding the Expansion of the Old	Coffey
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Monon Corridor Economic Development Area

Mr. Coffey moved for the reading of R-08-28, Mr. Zurschmiede second, all voted in favor except Mr. Price who voted nay.

Mr. Coffey asked what the \$1.6 M dollars was for.

Mrs. Benedetti stated that it says it is for the improvements of the Beechwood area and the railroad crossings.

Mr. Coffey stated that was the Wal-Mart area.

Ms. Wisman asked if one resolution was to establish the expansion and the other to establish the projects within the TIF area.

Mr. Malysz stated that their council says that they do have to adopt the economic development plan separately and that is what the next four resolutions are doing. He explained that in the past they presented them together but they were advised to do them separately.

Mike Claytor, Crow Chizek explained that the property tax legislature that was passed made changes that will go into place on July 1. He stated that after this date you can change your plan but you can not change your TIF area.

There was a lengthy discussion regarding what the TIF's will generate and what it will be used for.

Mr. Malysz stated that they have to get these districts defined but this isn't the last step in the process. He explained that they still have to advertise for a public hearing but they do not have much time left. He stated that if they do not take action on these today they will literally be able to make the deadline by the skin of their teeth. He stated that the risks that they are worried about are very low because there are still checks and balances.

Mr. Messer asked if they adopt this can they still expand the TIF

Mr. Malysz stated that their two downsides risks if they don't do it now. If they do it after July 1st they will lose five years on the viability of the TIF, and more importantly they won't be able to expand TIF's just for projects but they will have to create a brand new TIF.

R-08-29	Common Council of the City of New Albany, Indiana Regarding the Expansion of the Charlestown Rd. Economic Development Area	Benedetti
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Mrs. Benedetti moved for the reading of R-08-29, Mr. Messer second, all voted in favor except Mr. Price who voted nay.

R-08-30	Common Council of the City of New Albany, Indiana Regarding the Expansion of the State Street Parking Garage Economic Development Area	Coffey
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Mr. Coffey moved for the reading of R-08-30, Mr. Messer second, all voted in favor except Mr. Coffey and Mr. Price who voted nay.

Mrs. Benedetti asked if now would be the time to amend the projects.

Mr. Claytor explained that it would be best to do this during the bonding period.

R-08-31	Common Council of the City of New Albany, Indiana Regarding the Expansion of the Park	Benedetti
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East Industrial Park Economic Development Area

Mrs. Benedetti moved for the reading of R-08-31, Mr. Zurschmiede second, all voted in favor.

R-08-33 A Resolution to amend the zoning in the West End Coffey

Mr. Coffey pulled this issue until he gets more information.

G-08-04 An Ordinance Amending the New Albany Municipal Benedetti 2&3
Code by Adding New Section 94.30; providing for
Restrictions on Novelty Lighters

Mrs. Benedetti moved for the second and third reading of G-08-04, Mr. Coffey second, all voted in favor. Bill G-08-04 became ordinance G-08-20.

Randy Smith, spoke regarding the lighter novelty stating that it is poorly written and cannot be enforced.

ADJOURN:

There being no further business to be heard, the meeting adjourned at 9:56 p.m.

Jeff Gahan, President
Common Council, City of New Albany

ATTEST: _____
Marcey Wisman, City Clerk